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Dated: February 22, 2007

Signature: /Scott E. Baxendale/  
(Scott E. Baxendale)

Docket No.: 29757/AG20-CIP2  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Lee E. Cannon *et al.*

Application No.: 09/655,252

Confirmation No.: 7732

Filed: September 5, 2000

Art Unit: 3714

For: METHODS AND APPARATUS FOR  
PROVIDING TICKETS FROM GAMING  
DEVICES AND/OR LOTTERY TERMINALS

Examiner: Corbett B. Coburn

### **REPLY BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

#### **I. INTRODUCTORY COMMENTS**

This Reply Brief is submitted pursuant to 37 C.F.R. § 41.41(a)(1), in reply to the Examiner's Answer mailed December 22, 2006. It is believed that no fees are necessary in connection with the present Reply Brief. However, in the event any fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

#### **II. REPLIES TO ARGUMENTS**

##### **A. Kelly et al. do not teach of suggest the issuance of "comps" at a game unit**

The Examiner's obsession with the term "comps" as used in the present application has resulted in an undue expansion on his part of the teaching of Kelly et al. The term "comp" is short for "complimentary," and is understood to mean something that is given free of charge. More importantly, "[c]omps are not gaming awards – they are not given in response to achieving a winning outcome." (Examiner's Answer, page 13). Unfortunately for the Examiner's analysis, the Kelly et al. reference does not relate to comps or the issuance

thereof at a game unit, thereby rendering the proposed combination improper for rejecting the pending claims.

By his own definition, the Examiner excludes Kelly et al. as a reference relating to the issuance of comps to players playing games at a casino or other gaming location. Every ticket dispensed by Kelly et al.'s game unit 10 is given in response to the player achieving a winning outcome and, therefore, constitutes a gaming award. Players play games at the game units 10 and are awarded ticket/prize credits based on the outcomes of the games. The accumulated credits are then converted into tickets that are redeemable for prizes. This includes both universal tickets that are generic and not specific to any prize (Kelly et al., col. 8, lines 31-53), and specific prize tickets redeemable for specific prizes. (Kelly et al., col. 9, lines 41-63). Regardless of the type of ticket, the tickets are the game awards and, consequently, are not "comps," and no suggestion is provided by Kelly et al. for dispensing any other item from the game units 10, or for dispensing the universal or specific prize tickets under any circumstances other than the redemption of the accumulated prize credits.

The Examiner is fixated on the specific prize tickets in the form of "promotional coupons" that may be dispensed by the game units 10 to encourage players to return. (Kelly et al., col. 8, lines 54-67). Contrary to his own definition, the Examiner calls this "comping." (Examiner's Answer, page 14). The Examiner further suggests that Kelly et al. are somehow unclear as to whether the promotional coupon is a gaming award since the prize that is given is normally associated with comps. The Examiner's contradiction notwithstanding, the promotional coupons and every other prize taught by Kelly et al. are game awards given in response to achieving winning outcomes at the game unit 10. Kelly et al. teach creative ways for providing game awards to the players, and alternative forms of game awards/prizes that encourage the players to return to the gaming location. Kelly et al. further teach the fostering of customer loyalty through the prizes that the players receive, but not through the dispensing of something that is given free of charge. Consequently, the reference does not relate to comps and offers no suggestion for modifying the game unit 10 to dispense items other than game awards. Because Kelly et al. relates only to game awards, a person skilled in the art would not be motivated to look to point of sale terminals as taught by Deaton et al. that are not game units and do not award prizes. For these additional reasons, Kelly et al. and Deaton et al. are not properly combinable to render the pending claims unpatentable.

B. Neither Kelly et al. nor Deaton et al. teach displaying an indication of accumulated comp points or redemption of comp points by the player via an input device as recited in claim 116

As discussed above, the Kelly et al. reference does not relate to the issuance of “comps” at a gaming device. However, in the arguments supporting the rejection of claim 116 at pages 7 and 8 of the Examiner’s Answer, the Examiner asserts that “points accumulated by the player would be comp points” when the gaming device in Kelly et al. is used to dispense promotional coupons such that the points displayed by and redeemed at the game unit 10 meet the limitations recited in claim 116. Appellants’ respectfully submit that the game unit 10 of Kelly et al. only displays and provides redemption of points that are awarded based on the outcomes of the games played at the game unit 10.

Claim 116 recites that comp points accumulated at the gaming device are determined independent of the outcome of the wagering game, and that a visual indication of the accumulated comp points is displayed at the gaming device. The portion of the display screen 56 of Kelly et al. that the Examiner refers to as “a visual indication (125) of the player’s accumulated points” is actually the prize credit display 290 indicating that the player has accumulated 125 tickets/prize credits/ticket credits that the player has won by playing games on the game unit 10. (*See, e.g.*, Kelly et al., Fig. 5a and col. 21, lines 15-42). Kelly et al. discloses neither the accumulation nor the display of any other type of points for the player. Consequently, the only points, prizes or credits that are accumulated and/or displayed for the player are those that are directly dependent on the outcome of the games played on the game unit 10. Absent a teaching of comp points as recited in claim 116, Kelly et al. also fail to teach or suggest providing the player the opportunity to redeem comp points via an input device as is further recited in claim 116.

For the reasons discussed above, in addition to those provided in Applicants’ Appeal Brief, Deaton et al. is not properly combinable with Kelly et al. Further, Deaton et al. fails to teach or suggest, among other limitations, providing the opportunity for the customer to redeem comp points, coupons or any other items from the point of sale terminal. Once the system of Deaton et al. determines that a customer will receive coupons at the store, the coupons are dispensed by mail, but the cashier handing the coupons to the customer, or by printing the coupons on a printer at the point of sale terminal. (Deaton et al., col. 66, line 33

through col. 67, line 18). Deaton et al. provide no suggestion of the customer providing input at an input device to cause the issuance of the coupons and, therefore, cannot provide the teaching missing from Kelly et al. Because virtually all the limitations of claim 116 are missing from the applied references, it follows that claim 116 is not rendered obvious by the proposed combination of Kelly et al. and Deaton et al. for at least this additional reason.

### III. CONCLUSION

The claims on appeal are respectfully submitted to be allowable over the cited art. The Board is respectfully requested to reverse the rejections and direct allowance of the application.

Dated: February 22, 2007

Respectfully submitted,

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